

prisons, and this is an area that the Homeland Security Committee will hold a hearing on next week.

Richard Reid—the infamous shoe bomber—and Jose Padilla both were indoctrinated into Islamic extremism while in prison. Less well known, but equally lethal, is Kevin James, a self-styled Imam who, while a California State prison inmate, founded an organization based upon his radical interpretation of Islam. James recruited among his fellow inmates, allegedly instructing them that it was their duty to kill his perceived enemies of Islam—in particular U.S. military personnel and supporters of Israel. Upon their release, his followers reportedly conducted surveillance on military installations, the Israeli Consulate, and synagogues. It is alleged that they sought firearms with silencers and also explosives and that they financed their operations through a string of armed robberies in the Los Angeles area. These operatives have been arrested and they face trial next month.

The new face of terrorism—born and raised in America, in Great Britain—has been exposed. This new face of terrorism will challenge us, perhaps as much or even more as Osama bin Laden has challenged us. But this is the reality that we must confront. We must not allow our imagination to fail us again.

Five years ago, in what seemed like a moment, September 11 was transformed from a day like any other day into one that for as long as our Nation stands will stand alone. The loss that we relive this day reminds us of the value of all that we must protect. The heroism reminds us of the unconquerable spirit of the American people. Our accomplishments remind us that we can meet any challenge with decisive action and a sense of unity. As long as we keep the meaning of this day of remembrance in our hearts, I am confident that we can meet any challenge that lies ahead.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. INOUE. Mr. President, what is the pending business?

#### SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Pending:

Stevens (for DeMint) amendment No. 4921, to establish a unified national hazard alert system.

McCain modified amendment No. 4922, to provide increased rail transportation security.

Mr. INOUE. Mr. President, we are ready to proceed, but other Members are not here. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4926 TO AMENDMENT NO. 4922  
(Purpose: To provide improved rail security)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be considered to the pending bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. INOUE, Mr. MCCAIN, and Mr. LAUTENBERG, proposes an amendment numbered 4926 to amendment No. 4922.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. STEVENS. Mr. President, this second-degree amendment offered by Senator INOUE and myself, with Senators MCCAIN and LAUTENBERG as cosponsors, simply adds the additional rail security provisions of S. 1052, the Commerce Committee's Transportation Security Improvement Act of 2005, to the McCain amendment. The provisions in the second-degree amendment address rail worker security training, rail security public awareness, hazardous materials threat mitigation, railcar tracking, and update a few of the provisions that are in Senator MCCAIN's provisions.

Taken together with Senator MCCAIN's Rail Security Act of 2005, which Senator MCCAIN offered to this bill, this amendment and Senator MCCAIN's bill will form the rail security title of S. 1052 that was unanimously supported by the Commerce Committee. It is supported by both the railroads and the rail workers, and I urge its adoption.

I again say it is an amendment cosponsored by Senator INOUE, myself, Senator MCCAIN, and Senator LAUTENBERG.

Mr. INOUE. Mr. President, I associate myself with the remarks of the Senator from Alaska, our chairman.

Mr. STEVENS. I urge the adoption of the second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4926.

The amendment (No. 4926) was agreed to.

Mr. STEVENS. I now ask for approval of Senator MCCAIN's amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4922, as amended.

The amendment (No. 4922), as amended, was agreed to.

Mr. STEVENS. I ask unanimous consent to reconsider both those actions at the same time. I ask that they be reconsidered and the motions be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent Senator CLINTON be added as a cosponsor to the Stevens second-degree amendment to Senator MCCAIN's amendment No. 4922.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4927 TO AMENDMENT NO. 4921

Mr. STEVENS. Mr. President, I send to the desk an amendment proposed by Senator DEMINT for Senator INOUE and myself, to the amendment numbered 4921, proposed by Senator DEMINT. I ask it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DEMINT, for himself, Mr. STEVENS, and Mr. INOUE, proposes an amendment numbered 4927 to amendment No. 4921.

Mr. STEVENS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. STEVENS. I ask unanimous consent this be considered a complete substitute for the DeMint amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I am pleased to offer this amendment on behalf of Senator DEMINT. The second-degree amendment clarifies some issues in the legislation

and improves this important legislation. It has been agreed to now by Senator INOUE and myself and by Senator DEMINT. I think we are closer to passing the WARN Act. We have been working for 3 years through the Homeland Security and appropriations bill to move DHS to improve the national alerting system. This amendment is a large step forward.

If the worst happens and there is a successful attack on one of our ports, we need a tool to effectively alert communities surrounding the port. The purpose of this amendment is to do just that: to move the emergency alert system out of the area of broadcast radio and television into the wireless era. We need to give the Nation an alerting system that harnesses all the capabilities of the digital age.

When disaster strikes, we know not everyone will be listening to the radio or television, but almost all Americans will be carrying a mobile phone, a Blackberry, or a PDA. There are over 200 million wireless subscribers in the United States.

This is crucial because regardless of when or where disaster strikes, be it American seaports, a rail terminal, or an airport, minutes save lives.

This amendment will provide a tool for emergency managers at all levels of Government—Federal, State, or local—so they can quickly and effectively reach all affected individuals with specific lifesaving instructions. In addition to the threat posed by terrorist attacks, this system, the system created by this amendment, will give our managers the ability to alert communities of other hazards such as natural disasters or manmade accidents.

It is already funded. I worked during last year's budget reconciliation bill to provide \$106 million for this program.

I urge our colleagues to vote for the amendment and move the Nation one step forward to having a modern public safety alerting system.

I urge the adoption of this second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4927) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we will shortly have a request for a vote on this amendment, as amended. Hopefully, it will take place around noon tomorrow.

I know of no other business we have to come before us tonight. We will await the wrapup statement to be sent to us by the leader's office.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Ms. COLLINS. Mr. President, it is my understanding that either shortly this evening or tomorrow the Senator from South Carolina will be coming to the floor to speak on the agreement that has been worked out among all the players, which is based on legislation he introduced, S. 1753, the Warning Alert and Response Network Act, the so-called WARN Act. This amendment would create the national alert system which will contribute to a strengthened emergency management system for our country. The amendment will create a national alert office within the Department of Homeland Security and will ensure that the office will work closely with the National Oceanic and Atmospheric Administration, NOAA, to bring together the wealth of expertise in both of these agencies to create an alert system that will transmit alerts in response to all threats to public safety, whether they are a terrorist attack, a natural disaster or a manmade accident.

The amendment directs this new office to develop a 21st century alert system that takes advantage of new technologies, including technologies to better alert underserved communities.

Five years ago, all of us remember the frustration of trying to get accurate information. Most of us found that our cell phones were no longer functioning. At that point, we did not have Blackberries, and we had a very difficult time communicating.

The legislation that Senator DEMINT has authored helps to respond to that need to disseminate information quickly and accurately to the public using a variety of tools. The new system would use multiple modes of communication, providing alerts not only by television and radio but also cell phones, Blackberries, and other wireless devices such as the Internet, satellite television, and other means of communication.

The DeMint proposal builds on the recommendations of the White House Katrina Report to employ all available 21st century technologies both to update and utilize the National Emergency Alert System in order to provide the general public with advanced notification of, as well as instructions during, a disaster or other emergencies.

We need a warning and alert system in this country that keeps pace with new technologies and an increasingly mobile society. No longer is it adequate to depend on television and radios to disseminate absolutely critical public safety information.

I believe that the approach in this amendment will save lives by creating a system with the capability to alert individuals to dangers, whether they are watching television, driving in their cars or sitting on the beach with a cell phone and a Blackberry. Yes, some of us take the Blackberry and the cell phone even when we are on the beach.

I thank Senator DEMINT for his work on this important amendment. I thank the Commerce Committee, which has worked very closely with the Homeland Security Committee to work out some issues, and I am pleased to support its passage as amended by the amendment of Senator INOUE and Senator STEVENS.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4921

Mr. DEMINT. Mr. President, I will speak on my amendment, which is based on legislation I introduced last year called the WARN Act.

First, I thank the managers of this legislation for their tireless work, particularly Senator COLLINS and Senator STEVENS, who have helped bring this amendment up for consideration.

America needs the world's best port security. This legislation we are debating will help America get it.

While our Nation has come a long way in preparing for the threat posed by natural disasters and terrorist attack since the creation of the Department of Homeland Security, there are still areas where we can and must do better.

If, God forbid, there is a successful attack at one of our ports, minutes will make the difference between life and death for many citizens in the surrounding communities. To save lives, our first responders will need the tools to immediately communicate with people in harm's way.

For decades, the emergency broadcast system has largely been the only available tool. As people are increasingly on the move, getting word out via television and radio alone is not effective. We need to do more.

This amendment does that by building on the foundation of the emergency broadcast system and bringing it into the 21st century. Over 200 million Americans subscribe to wireless services, Blackberries, cell phones or other PDAs. This amendment leverages these new mobile capabilities, in addition to television and radio, to provide alerts that will save lives during disasters.

Wireless networks have enthusiastically endorsed the WARN Act and look forward to competing with each other to create the best system.

The need for this system is obvious. Whether it is the foiled London airline bombing plots or the train attacks in India, we are constantly reminded we must be vigilant in our efforts to secure America's homeland. One year ago, terrorists brutally attacked the London subway system, killing dozens. We have since discovered that terrorists were targeting commuter lines

running under the New York Harbor. In July, we saw terrorists in India kill 300 innocent men, women and children and injure over 700.

If the unthinkable happens and we are attacked with a chemical, biological or radiological weapon, we must be prepared to respond. The WARN Act does this, establishing a system that represents a major advance in emergency management. One of the most effective ways to save lives is to keep people out of the impacted areas and efficiently evacuate those who are already affected. Under this new system, we will be able to tell some people to stay where they are if it is safe; others can be given instructions to evacuate in certain directions depending on their location and the direction of the wind or they could be told how to avoid the impacted area all together, preventing first responders from being forced to manage new victims.

While the system would be a crucial tool in saving lives in the event that there was an attack at one of our ports, the uses of this new national alerting system extend well beyond terrorists attacks, to manmade or natural disasters. A year and a half ago, a town in my State of South Carolina was exposed to a massive chlorine gas release. The train crash that caused the release occurred at 2:39 in the morning. Beeping television or radio is not much help when the owner is sleeping and the TV and radio are silent. What could have been helpful would have been if emergency managers in the area could have run the cell phones that were designed to turn on in emergencies so the individuals in the affected area could have been instructed to evacuate away from the path of the chlorine cloud and get to safer ground.

Finally, the new system set up by the WARN Act will have significant impact for the response to natural disasters. For example, in the Midwest, tornadoes pose a grave threat. Tornado sirens have a limited reach and can save some, but by leveraging the capabilities of cell phones, we can effectively direct individuals who are in the path of a tornado to take cover or get out of the way.

The applications are promising, as well, along the gulf and Atlantic coasts, where hurricanes often make landfall. This year could still be a strong hurricane season, with predictions of three or four major hurricanes category 3 or above. If one of these makes landfall, it will trigger a massive evacuation.

The system created by the WARN Act will provide crucial information to aid in evacuation and recovery. It will alert evacuees to the closest shelter with beds and where water and food is being distributed after the storm and what roads are not usable as evacuation routes.

We all hope and pray disasters—natural, manmade or terrorist—never happen, but we must be prepared. Today, I ask my colleagues to join in supporting this amendment.

Again, I thank Senator COLLINS and all those who have worked to bring up this amendment. This way we give first responders one of the more crucial tools they need to save lives and secure our homeland.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I spoke earlier in favor of the amendment of the Senator from South Carolina. While he is here, I again commend him for his effort, his leadership in this area, and for working with both the Homeland Security and the Commerce Committees to work out some technical issues. His amendment is going to make a big difference. All of us remember 5 years ago on this day how difficult it was to get information—our cell phones were not working; we did not have Blackberrys then. The Senator's approach will ensure that we use every possible means to inform the public when there is an incident that is a threat to public safety.

I salute the Senator for his leadership. This is an excellent proposal. I am pleased to support it.

#### PUBLIC SAFETY PROMOTION

Mr. INOUE. I appreciate the efforts of my colleagues, Senator STEVENS, Senator DEMINT, and Senator BEN NELSON, in working to build consensus on the pending amendment, which will improve our Nation's ability to transmit critical emergency information to the public in times of crisis. As we consider this amendment, however, I believe it is important for us to clarify that provisions in this act do not affect or in any way limit or impair the Federal Communications Commission's existing authority under the Communications Act to promote public safety. As my colleagues well know, one of the most fundamental and significant statutory mandates of the FCC is the promotion of safety of life and property through the use of wire and radio communication.

As a result, while section 103(f) of the amendment makes clear that no new regulatory authority is granted to the FCC, other than to regulate compliance with its provisions and as specified in subsection 103(d) and (e), I would ask my colleague, Senator DEMINT, to confirm my understanding that the amendment will have no impact on the FCC's existing regulatory authority under the Communications Act to promote public safety through the use of communications technologies.

Mr. DEMINT. Mr. President, I agree with the interpretation and understanding of my colleague, Senator INOUE, and thank him for his assistance and support in working on this amendment.

Mr. STEVENS. I concur with Senator INOUE and Senator DEMINT.

The PRESIDING OFFICER. The Senate majority leader.

Mr. FRIST. Mr. President, I ask consent at 12 noon tomorrow the Senate proceed to a vote in relation to the

DeMint amendment No. 4921, as amended; further, that notwithstanding the adoption of the amendment 4927, the second-degree amendment be modified to reflect a perfecting amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING SEPTEMBER 11, 2001

Mr. STEVENS. Mr. President, there are moments in every lifetime which defy words. For me, those moments are the attack on Pearl Harbor, the day President Kennedy was assassinated, the Good Friday earthquake in Alaska, my own airplane crash in 1978, and the day I viewed the Exxon Valdez oilspill. My most recent and most vivid memory is the helicopter trip I took over Ground Zero with my good friend, Senator INOUE, on September 13, 2001.

The total impact of what Senator INOUE and I saw just shocked the two of us. We both went through World War II and saw a lot of trauma, a lot of destruction. But nothing was more stark in terms of our memories, particularly mine, than what I saw that day in New York. Embedded in my mind then were the questions: Who would do something like this? And why? We would soon learn the answers, and those answers changed our Nation forever.

September 11, 2001, was one of our country's darkest days, but the worst in our enemies brought out the best in our citizens. Their efforts reflected the words of the author Henry James:

We work in the dark, we do what we can, we give what we have.

Following those attacks, Americans did everything they could to help those directly affected. Those of us in Congress almost immediately made \$40 billion available to initiate recovery.

Since then, our country has been fortunate. We have met the terrorists abroad rather than here on our soil, and we have accomplished this in a way consistent with our ideals.

Democracy is harder to move than a dictatorship. It moves slowly, but it moves surely. There is much more work left to do, but so far, we have been able to prevent another massive terrorist attack on our country.

The terrorists who attacked us 5 years ago thought they could defeat us. They questioned our resolve and our dedication to our principles. They were wrong. Our resolve is strong, and it has brought about a different response than the terrorists anticipated. The past 5 years have been a proving ground for our country's courage and commitment.